

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FERNANDO E. LUGO,

**Plaintiff,**

TRAVIS MOORE,

Defendant.

Case No. 3:17-cv-00539-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 6) (“R&R” or “Recommendation”) recommending that this case be dismissed and Plaintiff’s request for a refund from case No. 3:17-cv-00394-RCJ-WGC (ECF No. 5) be denied. Plaintiff had until October 18, 2017, to file an objection. No objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review

1 employed by the district court when reviewing a report and recommendation to which no  
2 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
3 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
4 district courts are not required to review "any issue that is not the subject of an objection.").  
5 Thus, if there is no objection to a magistrate judge's recommendation, then the court may  
6 accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226  
7 (accepting, without review, a magistrate judge's recommendation to which no objection  
8 was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
10 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R, and  
11 proposed complaint and the filings in Case No. 3:17-cv-00394-RCJ-WGC, this Court finds  
12 good cause to accept and adopt the Magistrate Judge's R&R in full.

13 It is therefore ordered, adjudged and decreed that the Report and Recommendation  
14 of Magistrate Judge William G. Cobb (ECF No. 6) is accepted and adopted in its entirety.

15 It is further ordered that this action is dismissed. To the extent Plaintiff seeks a  
16 refund of the filing fee from case No. 3:17-cv-00394-RCJ-WGC, his request is denied.

17 The Clerk is directed to close this case.

18 DATED THIS 20<sup>th</sup> day of October 2017.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE